

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE ESTATE OF SHIRLY BRITO, by her proposed  
administrator, Tairra Baker,

Plaintiff,

-v-

HARLEM CENTER FOR NURSING AND  
REHABILITATION, LLC,

Defendant.  
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22 Civ. 9937 (PAE)

ORDER


PAUL A. ENGELMAYER, District Judge:

On November 3, 2022, plaintiff Tairra Baker sued defendant Harlem Center for Nursing and Rehabilitation, LLC in the Supreme Court of the State of New York, in the County of New York, alleging that defendant's failures to safeguard against the spread of COVID-19 resulted in the death of her mother, Shirley Brito. On November 22, 2022, defendant filed a notice of removal. Dkt. 1. On November 29, 2022, defendant moved to stay the proceedings and motion practice regarding remand. Dkt. 5. On November 30, 2022, the Court instructed defendant to file proof of service forthwith and ordered plaintiff to respond within one week of service. Dkt. 6. On December 9, 2022, plaintiff responded. Dkt. 10.

After careful review of the parties' letters, Dkts. 5, 10, the Court follows the example of other in-circuit courts and stays this case in light of the Second Circuit's pending resolution of *Leroy v. Hume*, Nos. 21-2158, 21-2159 (cons.), and *Rivera-Zayas v. Our Lady of Consolation and Geriatric Care Center*, No. 21-2164, which address issues central to this Court's jurisdiction. *See, e.g.*, Dkt. 5 at 2–3 (listing stays).

The Court adjourns the initial pre-trial conference scheduled for January 13, 2023, Dkt. 4, and orders the parties to file a joint status report within 48 hours of the Second Circuit's decision on the above appeals. The Clerk of the Court is respectfully directed to terminate the motion pending at docket 5.

SO ORDERED.

  
Paul A. Engelmayer  
United States District Judge

Dated: December 14, 2022  
New York, New York